

**IN THE UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

<b>IN RE:</b>	§	<b>CASE NO. 18-42230</b>
<b>GEORGE DALE WIGINGTON</b>	§	
<b>2451 ELM GROVE ROAD</b>	§	<b>CHAPTER 13</b>
<b>WYLIE, TX 75098</b>	§	
<b>SSN: XXX-XX-4787</b>	§	
<b>DEBTOR(S)</b>	§	<b>A.P. CASE NO. 19-04074</b>
<b>GEORGE DALE WIGINGTON</b>	§	
<b>PLAINTIFF</b>	§	
<b>VS.</b>	§	
<b>NATIONSTAR MORTGAGE LLC</b>	§	
<b>DBA MR. COOPER AND</b>	§	
<b>SELECT PORTFOLIO SERVICING, INC.,</b>	§	
<b>DEFENDANTS</b>	§	

**ORDER GRANTING DEFENDANT SELECT PORTFOLIO SERVICING, INC.'S**  
**MOTION TO DISMISS AND DISMISSAL OF ADVERSARY PROCEEDING**

On 3/26/2021, a *Motion to Dismiss Fourth Amended Objection to Proof of Claim 4-1 and Complaint and Underlying Adversary Proceeding* (“Motion”) was filed by Defendant Select Portfolio Servicing, Inc. (referred to as "SPS") in the above-referenced adversary proceeding. The Court finds that the Motion was properly served pursuant to the Federal and Local Rules of Bankruptcy Procedure and that it contained the appropriate twenty-one (21)-day negative notice language, pursuant to LBR 9007(a), which directed any party opposed to the granting of the relief sought by the Motion to file a written response within twenty-one days or the Motion would be deemed by the Court to be unopposed. The Court finds that no objection or other written response to the Motion has been timely filed by any party. Due to the failure of any party to file a timely written response, the allegations contained in the Motion stand unopposed and, therefore, the Court

finds that good cause exists for the entry of the following order.

The Motion is hereby GRANTED as set forth herein.

IT IS THEREFORE ORDERED pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, as made applicable to this adversary proceeding by Rule 7012 of the Federal Rules of Bankruptcy Procedure, that all claims made against SPS in Plaintiff's Fourth Amended Objection to Proof of Claim 4-1 and Complaint filed by debtor and plaintiff George Dale Wigington ("Plaintiff") on 2/23/2021 at Docket No. 119 ("Fourth Amended Complaint") are hereby dismissed with prejudice and Proof of Claim Number 4-1 filed by Nationstar Mortgage LLC d/b/a Mr. Cooper on 11/7/2018 in Plaintiff's underlying chapter 13 case, Case Number 18-42230 and assigned to SPS be allowed in full as filed.

IT IS THEREFORE FURTHER ORDERED that this adversary proceeding is dismissed with prejudice as the Court finds that the Fourth Amended Complaint is inconsistent with the Court's Memorandum Opinion at Docket No. 65 and Amended Judgment at Docket No. 75 as set forth therein.

Signed:

---

UNITED STATES BANKRUPTCY JUDGE

///

///

///

///

///

This order was prepared and submitted by:

MCCARTHY & HOLTHUS, LLP

/s/ Yoshie Valadez

Cole Patton SBN 24037247

Yoshie Valadez SBN 24091142

Robert Brandon Hakari SBN 24107552

MHTbankruptcy@mccarthyholthus.com

1255 West 15th Street Suite 1060

Plano, TX 75075

Phone: (214) 291-3800

Fax: (214) 291-3801

Atty File No.: TX-19-21541

ATTORNEYS FOR DEFENDANT SPS